

REMARKS

Claims 1-24 and 28-33 are pending and rejected as set forth below. Claims 1, 20, 28, 31, and 32 are independent. Applicants respectfully submit that the pending claims are in condition for allowance and respectfully request reconsideration and further examination in view of the following.

I. Examiner Teleconference.

Applicants thank the Examiner for the courtesy of the teleconference on September 18, 2008. In the teleconference, the Examiner and Applicants' representative discussed the current Office Action and Applicants' previous response. In particular, Applicants' representative stressed that Eaves does not disclose or even suggest an annular (i.e., ring-shaped) blade as required in each of the independent claims. For this reason, and the other reasons set forth in Section II, Applicants respectfully submit that the pending claims are in condition for allowance.

II. Rejections under 35 U.S.C. §102(b).

Claims 1-4, 7, 12, 17-18, and 31-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 6,143,008 (*Eaves*). At least for the reasons discussed below, Applicants respectfully submit that the pending claims patentably distinguish over *Eaves*.

The cited art does not disclose or suggest the limitations of independent claims 1 and 31 and in particular, does not disclose or suggest the limitations of a cutting head that includes "a leading edge comprising an annular cutting blade." The Office Action contends that Eaves anticipates both claims 1 and 31, stating that Eaves discloses "a cutting head 20 having a leading edge 32 comprising an annular cutting blade 30 (Col. 7 ll. 17-24)." Office Action, pages 2-4, item 4. Applicants note that the rejection of claim 31 appears to include a typographical error, labeling the "leading edge" as "22" instead of "32" as in the rejection for claim 1. Applicants respectfully request clarification as to whether the Examiner intended to refer to "edge 32" (col. 7, line 57) or the "outer surface 22" (col. 6, line 8) in the rejection of claims 1 and 31. As discussed below, however, neither edge 32 nor outer surface 22 disclose "a leading edge comprising an annular cutting blade" as recited in independent claims 1 and 31.

Eaves discloses a harvesting head 20 that includes "radial slots, or trenches 26" that funnel the side branches B of a vessel V being harvested towards blade 30, which severs the side branch B as the head 20 is advanced along the vessel V. Col. 6, lines 57-64; col. 7, lines 37-39;

Figure 2. Individual blades 30 are positioned “within each of the slots 26” or “in selected ones of the slots 26.” Col. 7, lines 60-63. The blade 30 is held within the slot 26 by “integrally molding the head 20 around the blade 30 during the manufacture of the head 20.” Col. 7, lines 42-47. The blades 30 are thus not on the leading edge of the head 20, rather they are recessed in the slots 26. Furthermore, Figure 3 of Eaves clearly shows the blades 30 as two small, discontinuous structures rather than one annular blade. Annular means “ring shaped” and the preferred annular blade for the present application is described, for example, on pages 10-11 in paragraphs 48-52. The two small, straight, blades 30 in Eaves are not ring shaped and only extend across slots 26 in order to cut side branches B. Similarly, the blade 30 having two cutting edges 32 in Figure 7 “oriented for bidirectional cutting of side branches B” (col. 7, lines 56-58) is clearly not annular. Accordingly, Applicants respectfully submit that Eaves does not disclose or even suggest a cutting head having “a leading edge comprising an annular cutting blade” as recited in claims 1 and 31.

The cited art also fails to disclose the limitations of independent claim 32, and in particular, does not disclose or even suggest the limitations of “a body section connectable to the cutter head, the body section having an exterior surface and a structure positioned on the exterior surface, the structure to assist in advancing the cutting tool through body tissue.” The Office Action contends that this limitation is taught by Eaves, citing the handle 11 and col. 9, lines 61-63, which state: “[a] further groove or other guide means may be provided along the handle 11 for guiding a stapler 51 to the head 20.” Applicants respectfully submit that the groove in Eaves is recessed in the handle 11, and thus cannot reasonably be said to be “a structure positioned on the exterior surface” of a body section, as recited in claim 32. Additionally, Eaves explicitly states that the groove in the handle 11 is for guiding a stapler 51 to the head 20 to apply a staple to a severed side branch B, not to advance a cutting tool through body tissue as recited in claim 32. See col. 9, line 67- col. 10, line 2. Accordingly, Applicants respectfully submit that Eaves does not anticipate independent claims 1, 31, or 32. Each of the remaining claims rejected under §102(b) (claims 2-4, 7, 12, and 17-18) are dependent on independent claim 1 and are believed to be allowable for the same reasons set forth above. Applicants therefore respectfully request reconsideration and withdrawal of the §102(b) rejections.

III. Rejections under 35 U.S.C. §103(a).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,143,008 (*Eaves*) in view of U.S. Patent No. 4,666,437 (*Lambert*). Claims 6, 9-11, 20-23, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,143,008 (*Eaves*) in view of U.S. Patent No. 5,634,935 (*Taheri*). Claims 8, 14, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,143,008 (*Eaves*) in view of U.S. Patent No. 5,968,066 (*Fogarty et al.*). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,143,008 (*Eaves*) in view of U.S. Patent No. 5,304,189 (*Goldberg et al.*). Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,143,008 (*Eaves*) in view of U.S. Patent No. 6,080,175 (*Hogendijk*). Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,143,008 (*Eaves*) in view of U.S. Patent No. 6,193,653 (*Evans et al.*). Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,143,008 (*Eaves*) in view of U.S. Patent No. 5,634,935 (*Taheri*) as applied to claims 20 and 28 above, and further in view of U.S. Patent No. 6,080,175 (*Hogendijk*). Applicants respectfully submit the Office Action fails to establish a *prima facie* case of obviousness for the following reasons.

Independent claim 20 recites, among other things, a cutting tool comprising a cutting head attached to a tubular body section, “the cutting head having a leading edge comprising an annular cutting blade.” Independent claim 28 recites a method that includes, among other things, “positioning a cutting tool having a leading edge comprising an annular cutting blade and an inner cavity extending therethrough so that the endovascular component is inside the inner cavity.” The cited art does not disclose or suggest the limitations of independent claims 20 and 28 and in particular, does not disclose or suggest a cutting tool or cutting head “having a leading edge comprising an annular cutting blade.” As discussed previously regarding independent claims 1 and 31, *Eaves* fails to disclose or suggest a leading edge comprising an annual cutting blade, and none of the other cited references are seen to disclose or suggest this limitation. Therefore, independent claims 20 and 28 are believed to allowable over the cited references, and as such, reconsideration and withdrawal of the rejection of claims 20 and 28 are respectfully requested. The remaining claims in the Application (i.e., claims 5-6, 8-11, 13-16, 19, 21-27, and 29-33) are each dependent from one of the aforementioned independent claims and are also believed to be allowable for the reasons stated above.

CONCLUSION

Reconsideration is respectfully requested. Applicants believe the case is in condition for allowance and respectfully request withdrawal of the rejections and allowance of the pending claims.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

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